

### **REMARKS**

The Office Action of September 21, 2009 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1, 4-6, 8, 10-14, 16-18 and 20 remain in the application. Reconsideration of the claims is respectfully requested.

Status of the claims: Claims 1, 4-6, 8, 10-14, 16-18 and 20 stand rejected under 35 U.S.C. § 102(a).

More particularly, claims 1, 4-6, 8, 10-14, 16-18, and 20 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Treyz et al. (U.S. Patent No. 6,526,335, referred to hereinafter as "Treyz").

Treyz discloses an automobile personal computer system. The user of the system, while he/she is driving in the car, is able to wirelessly obtain information from and interact with merchants, communications facilities, information providers, computers at home or at the office, and other entities. The Examiner states that Treyz also discloses i) that the users may be subscription service customers and fleet managers, and ii) that the fleet managers may utilize the system to monitor its drivers, and that users of the system may set up passwords to protect their privacy (see Col. 35, lines 9-60, Col. 37, lines 34-54, and Fig. 33). The Examiner concludes that these teachings of Treyz anticipate the Applicants' status based hierarchy, and the varying information access levels based on the hierarchy.

The Applicants respectfully disagree. At the outset, it is submitted that Treyz's discussion about fleet managers and subscribers accessing the monitoring system does not support the conclusion that a back-end system is in place which secures access to data based upon a status based hierarchy, and then in response to a user request, retrieves data from a data source based upon the identified position of the user in a status based hierarchy. The Examiner states that "clearly one driver is not going to be allowed to view the data of another driver." Assuming *arguendo* that this is true, this still does not render obvious that a hierarchy system is in place in Treyz to determine which *data is retrieved*, but rather simply means that one person may not be able to log into another

person's account. The password protection taught in Treyz merely allows users to keep others from accessing his/her account.

It is again submitted that the teachings associated with Figure 33 of Treyz are equally unrelated to the Applicants' invention as defined in the pending claims. This figure shows three steps relating to providing a user of Treyz's automobile internet system, such as a fleet manager, the opportunity to monitor how a particular car is being driven. This is clearly not a status-based determination of how access to a vehicle data management system is given. Rather, it illustrates a possible use of Treyz's system by a user. There is no teaching or suggestion that data is retrieved for the fleet manager based upon his position in a status based hierarchy.

Furthermore, the Applicants respectfully disagree that Treyz teaches or suggests that the **format of the targeted vehicle data** is based on the requested device used and the position of the client in the status based hierarchy. In order to further point out these aspects, the Applicants have amended the claims herein. More particularly, each independent claim now recites, in some form: building a data format template for each client device class associated with the vehicle data management system based on the status based hierarchy; retrieving targeted vehicle data from a data source in operative communication with the client data management system for responding to the client data request, the retrieved targeted vehicle data being based on the client's individual client status in the status based hierarchy; formatting the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy; and providing the formatted targeted vehicle data. Support for these recitations may be found throughout the subject application as filed, at least at page 16, lines 11-24; page 18, lines 1-23; page 19, lines 16-23; page 19, line 30 through page 20, line 2; page 20, line 25 through page 23, line 13. The personalized format used to provide the data is based on a template, which itself is based on the class of device used to request the data and a particular status within the hierarchy (see page 19, lines 19-30 of the subject application).

In sharp contrast, Treyz teaches that "various formats may be used to transmit and receive data..." (see Col. 12, lines 54-63). Such formats include emails, or any other suitable messaging approaches (see Col. 34, lines 57-65), and the reports/notifications sent utilizing these formats may be transmitted to various devices (see Col. 35, lines 54-60). At most, Treyz teaches that content may be translated into a format that is compatible with the automobile personal computer's presentation capabilities (see Col. 58, lines 24-33). These teachings simply relate to the fact that the requested content may be delivered via various means, and that the format of such content depends upon the receiving device's capabilities.

However, Treyz does not teach or suggest that the format of the data presented is in accordance with a data format template generated based on the class of the device and the role-based hierarchy. The formatting of the information transmitted in Treyz does not rely upon the status (i.e., fleet manager, customer, etc.) of the individual receiving the information, but rather seems to depend only upon the capabilities of the device receiving such information. Data format templates (as recited in the Applicants' claims) are not taught, suggested, or otherwise mentioned by Treyz.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claims 1, 14 and 20, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious, and patentably defines over the art of record.

It is submitted that the absence of a reply to a specific rejection, issue or comment in the instant Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this amendment should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this amendment, and the amendment of any claim does not signify concession of unpatentability of the claim prior to its amendment.

In summary, claims 1, 4-6, 8, 10-14, 16-18 and 20 remain in the application. In view of the foregoing arguments, all pending claims are believed to be in condition for allowance, and such action is respectfully requested. Therefore, this response is believed

to be a complete response to the Office Action, and further and favorable consideration is respectfully requested.

If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact the undersigned attorney at the below-listed telephone number.

Respectfully submitted,

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